



STATE OF ALASKA  
DEPARTMENT OF  
**COMMERCE**  
COMMUNITY AND  
ECONOMIC DEVELOPMENT

*Sarah Palin, Governor*  
*Emil Notti, Commissioner*  
*Rick Urion, Director*

Division of Corporations, Business and Professional

**ALASKA STATE MEDICAL BOARD**

**CME COMPLIANCE  
APPROVED PROCESS GUIDELINES**

(Approved and Adopted by the board 12/04/97)

There are two categories under failure to comply with continuing medical education laws.

SELF-DISCLOSURE: Failure to comply through self-disclosure

AUDIT: Failure to comply discovered through audit

PROCESSING GUIDELINES FOR  
PHYSICIANS WHO SELF-DISCLOSE  
FAILURE TO MEET CME REQUIREMENTS

**ISSUE**

During the renewal process, a physician returns his/her renewal form and has responded "NO", to the CME affidavit statement which is intended to affirm for the purposes of license renewal that the licensee is or is not in compliance with the CME laws. The physician should attach an explanation for why he/she was unable to meet the CME requirements. Language will be included on the renewal form that advises the physician that if they check NO to having the CME, they are to contact the administrator of the board, in advance of the license lapsing, for the establishment of the MOA.

**PROCESS**

1. Licensing Examiner receives renewal form with "NO" checked under CME affidavit. Licensing Examiner forwards the renewal form to the administrator of the board.
2. Instructions on renewal form will advise the physician to contact the Administrator to initiate the creation of the Memorandum of Agreement if they have failed to meet CME requirements. Upon that contact and signature of the MOA, the Administrator will authorize the Licensing Examiner to renew the license.

Should the licensee refuse to sign the Memorandum of Agreement, his/her license will lapse.

3. At the next scheduled board meeting, the board will consider the case. The physician, by terms of the MOA, agrees to provide the missing CME to the board at the next meeting or to provide to the board the extenuating circumstances that prevented his/her obtaining the missing CME.
4. The board has the following options:

If CME is obtained, following approval by the board, the conditions of the MOA are lifted from the license and the license is free and clear. A letter from the board so advising the licensee will be sent following the board meeting.

If CME is not obtained, consider the extenuating circumstances given by the physician and either grant an additional extension of time to obtain missing hours or waive hours in accordance with law as needed.

5. If the licensee does not provide documentation of the CME hours and does not provide a valid extenuating circumstance which prevented him/her from obtaining the needed hours, he/she previously agreed in the MOA to surrender their license until proper documentation is provided to the board. The license will remain surrendered until such time as the CME is provided to and approved by the board or its designated representative. The board may delegate to the Administrator the authority to approve the CME in accordance with the requirements of law (must be Category I, AMA-approved, etc.) so that the physician does not have to wait until the next scheduled board meeting.

#### PROCESSING GUIDELINES FOR PHYSICIANS WHO ARE FOUND THROUGH AUDIT TO HAVE FAILED TO MEET CME REQUIREMENTS

##### ISSUE

When randomly audited, the licensee is unable to submit the minimum number of CME hours as required by law and that the licensee did not disclose the failure to obtain the CME hours on the renewal form but rather indicated that they did have the hours.

##### PROCESS

1. In response to the audit request, the licensee is unable to provide the minimum CME hours.
2. The Board Administrator will notify the licensee by certified letter that the failure to provide documentation of CME will result in disciplinary action by the board. The letter will advise that the licensee may either choose to negotiate a memorandum of agreement which will include a specific program of discipline; or, if they do not wish to agree to the MOA, the Division will proceed by filing an Accusation against the licensee. The letter will give the licensee a deadline by which to respond. If they fail to respond by the deadline, the Division will proceed to Accusation.
3. The letter described above will be copied to Colin Matthews, Investigator, and Steve Winker, Paralegal.
4. When the Administrator is advised by the licensee of their choice of MOA or Accusation, the Administrator will notify the licensee by certified letter to contact Steve Winker to proceed with the MOA or the Accusation.

#### DISCIPLINARY SANCTIONS

##### VIOLATIONS:

- 1 Failure to obtain the minimum number of hours as prescribed by law  
(AS 08.01.100, AS 08.64.312, 12 AAC 40.200-220)
- 2 Failure to disclose lack of CME hours on renewal form; if the licensee checked YES on the renewal form affidavit, he/she was not truthful.  
(AS 11.56.210, AS 11.56.230)

##### SANCTIONS:

- 1 Fine of \$200 per credit hour short of the minimum hours required to a maximum of \$1,000.
- 2 Fine of \$2,500 and a written censure.